

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SAN JUAN BAUTISTA, INC. d/b/a  
SAN JUAN BAUTISTA MEDICAL  
CENTER**

**and**

**HERMANDAD DE EMPLEADOS DE LA  
SALUD Y OTRAS AGENCIAS**

**Cases 24-CA-11096  
24-CA-11119  
24-CA-11243  
24-CA-11416  
24-CA-11419**

**ORDER<sup>1</sup>**

The Respondent's Motion for Partial Summary Judgment is denied. The Respondent has failed to establish that there are no material issues of fact and that it is entitled to partial summary judgment as a matter of law. Further, we decline to defer the complaint allegation concerning annual bonuses to arbitration at this time, in light of the fact that numerous complaint allegations, including several alleged unilateral changes by the Respondent, will be considered at a hearing.<sup>2</sup>

Dated, Washington, D.C., May 17, 2010.

CRAIG BECKER, MEMBER

MARK GASTON PEARCE, MEMBER

MEMBER SCHAUMBER, dissenting.

Applying the principles set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), Member Schaumber views the dispute over the annual bonuses as arising from differing

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Accordingly, this denial is without prejudice to the Respondent renewing its deferral argument before the administrative law judge in the event that the remaining complaint allegations are resolved prior to the hearing.

interpretations of Article 26 of the parties' collective-bargaining agreement. In his view, such a dispute is covered by the parties' contractual arbitration clause and thus he would defer the dispute to arbitration.

Dated, Washington, D.C., May 17, 2010.

PETER C. SCHAUMBER, MEMBER